

TOWN PLAN & ZONING COMMISSION
REGULAR MEETING
August 22, 2013

I. CALL TO ORDER

Chairman Barry Berson called the regular meeting of the Town Plan & Zoning Commission to order at 7:00 P. M. in the Main Meeting Room at Bloomfield Town Hall. The following members were also present: Abraham Ford, Fannie Gabriel, Alfred LeFebvre, Elene Needelman, Nicholas Panke, and Barbara Reid. Pamela Gray, Charlotte Gregg and Byron Lester were absent. Also present were Thom Hooper, Director of Planning; Lisa Gray, Recording Secretary; and other interested parties.

II. APPROVAL OF JULY 25, 2013 MINUTES

Commissioner LeFebvre moved to approve the minutes of the July 25, 2013 meeting, as presented. Commissioner Gabriel seconded the motion, and it unanimously carried.

III. APPLICATION OF CHRISTIAN MEISSENN FOR A SPECIAL PERMIT TO ALLOW A RETAIL ESTABLISHMENT (PAWN BROKER BUSINESS), LOCATED AT 195 WEST NEWBERRY ROAD, I-2 ZONE (continued from 7/25/13).

Commissioner LeFebvre moved to reopen the public hearing. Commissioner Needelman seconded the motion, and it unanimously carried.

Attorney Alexander Aponte explained that the applicant is proposing a high-end pawn business which will buy and sell high-end products over the Internet. There will be no signage or foot traffic.

Mr. Hooper explained that any retail establishment proposed in the I-2 Zone must have a Special Permit in order to operate. He also noted that he has received a letter of concern regarding the condition of the property from the town Fire Marshal and that he has been advised by the Finance Director that this property is subject to a tax sale later this year due to non-payment of taxes. Mr. Hooper further questioned how the applicant will handle the legal requirements of a pawn shop with regard to documentation for the local police department.

Attorney Aponte responded that his applicant is not the property owner, so any issues with the site itself will have to be addressed with the property owner. He also stated that, if the client is issued a Special Permit, his next step will be to work with the police department to find out exactly what the requirements are and that he will have to agree to comply with them in order to be issued a license to conduct business.

Mr. Hooper asked who owns the property. Attorney Aponte replied that the property is owned by the applicant's mother.

Commissioner Ford asked why the applicant chose this location. Christian Meissenn responded that cost was a factor since his mother will not charge him rent, and his family owns no properties in the retail section of town.

Chairman Berson asked why, given the nature of the business as described, the applicant needs a physical location or doesn't just conduct the business out of his home. Attorney Aponte replied that the applicant needs a physical address in order to be issued a business license, and that there would be problems with zoning if the applicant were to conduct a business from his home.

Penny Nigro, 185 West Newberry Rd., asked where pawned objects will be stored. Mr. Meissenn replied that, in the case of vehicles, he will take possession of the keys and title and there would be a legal transfer of ownership between him and the previous owner, but the car will be left at its present location. Small items like jewelry will be stored in a bank safety deposit box.

Dennis Norton, owner of Silas Deane Pawn Shop, expressed his concern over another pawn shop opening in Bloomfield so soon after he just opened his business and damaging his business.

Commissioner Needelman commented that she does not believe that this type of business meets the definition of a retail establishment.

Commissioner Panke stated that, in his opinion, this business does not meet the criteria for accessory use or the Plan of Development.

Chairman Berson commented that he does not believe this is a permitted retail operation in an I-2 Zone.

Attorney Aponte responded that, indeed, this is not a typical retail business because they do not want clients coming to the office. He also noted that this is different from the other pawn shop in town and will not be in competition.

Commissioner LeFebvre moved to close the public hearing. Commissioner Needelman seconded the motion, and it unanimously carried.

Commissioner Needelman moved to approve the application of Christian Meissenn for a Special Permit to allow a retail establishment located at 195 West Newberry Rd., I-2 Zone. Commissioner Panke seconded the motion. All were opposed. Motion failed.

IV. APPLICATION OF PACKLEADERS RESCUE OF CT, INC. FOR A SPECIAL PERMIT TO ALLOW A DOG RESCUE SHELTER LOCATED AT 94 OLD WINDSOR ROAD, I-2 ZONE.

Chairman Berson read the Legal Notice.

Peter De Malley President and Principal of Design Professionals Engineers, explained that the applicant proposes to establish a dog rescue shelter on the .33-acre property at 94 Old Windsor Rod (Rte. 305), and is, therefore, seeking a Special Permit for this use. He further explained that this is an all-volunteer organization that rescues 80-100 dogs per month and acquiring this location would allow them to double that number. Only authorized volunteers will be permitted at the shelter and, as dog placement will not occur at the shelter, members of the public will not visit the location.

Maximum capacity at this location will be 20 dogs, and no aggressive dogs will be accepted. As traffic will be negligible, and the property is not in close proximity to any residential homes, the facility will have no adverse impacts on surrounding properties.

Mr. Hooper stated that this seems to be a suitable use for a long-abandoned property. He asked Mr. De Malley to address noise, staffing, sanitation, and HVAC issues.

Americo Cateni responded that someone he works with has volunteered to install air conditioning units on the property. He also informed the commission that the dogs are well-

trained so noise/barking is not a serious issue.

Peter De Malley stated that the facility will only be staffed by volunteers until about 9:00 PM. As is typical of this type of facility, there will be no overnight staffing.

Mr. Cateni noted that security monitors and alarms will be installed.

Commissioner Ford asked how the dog waste will be handled. Mr. De Malley replied that it will be cleaned up and placed in odor-free bags that are picked up by a vendor and disposed of.

Commissioner Ford also noted that the regulations state a floor plan of the building will be presented at the time of application, but there is no floor plan. Mr. De Malley replied that the floor plan of the existing building will not change. There is currently a bathroom, an office, and a large open area that will be converted to runner areas for the dogs.

Commissioner Panke moved to close the public hearing. Commissioner Gabriel seconded the motion, and it unanimously carried.

Commissioner Panke moved to approve the application of Packleaders Rescue of CT, Inc. for a Special Permit to allow a dog rescue shelter located at 94 Old Windsor Road, I-2 Zone, pursuant to receipt of an acceptable floor plan by staff. Commissioner Gabriel seconded the motion, and it unanimously carried.

V. APPLICATION OF ALSTOM POWER, INC. FOR A SPECIAL PERMIT AND REVISED SITE PLAN TO ALLOW OUTSIDE STORAGE OF EQUIPMENT AND VEHICLES, AND A RETAINING WALL AT 44 TOBEY ROAD, I-1 ZONE.

Chairman Berson read the Legal Notice.

Dave Ziaks, Engineer with F.A. Hesketh Associates, noted that he and the applicant appeared before this commission approximately a year ago to construct a new facility on Woodland Avenue, but that facility was never constructed. He further explained that the applicant is now seeking a Special Permit to relocate their testing facility for coal-burning technology from Windsor to this existing building at 44 Tobey Road, which will entail storage of materials, test equipment, and trailers. There will also be a ten-foot retaining wall which will require a Special Permit. He also requested that the required amount of parking be reduced to 40 spaces as there is currently more parking than will be needed for their small staff.

Mr. Hooper noted that this is very similar to the application that was submitted about a year ago, but it's a good use of an existing building that has been empty for some time.

Commissioner Panke moved to close the public hearing. Commissioner Gabriel seconded the motion, and it unanimously carried.

Commissioner LeFebvre moved to approve the application of Alstom Power, Inc. for a Special Permit and Revised Site Plan to allow outside storage of equipment and vehicles, and a retaining wall at 44 Tobey Road, I-1 Zone. Commissioner Ford seconded the motion, and it unanimously carried.

VI. APPLICATION OF GLORIA WILSON FOR A REVISED SITE PLAN FOR A CHANGE OF USE TO A BEAUTY SALON AT 1041 BLUE HILLS AVE., GWB ZONE.

Gloria Wilson explained she is seeking to change the use of this property from a book store to a beauty salon.

Mr. Hooper explained that the applicant has prepared a site plan and he suggested that the handicapped parking be properly marked with signs and yellow striping.

Commissioner Ford moved to approve the application of Gloria Wilson for a Revised Site Plan for a change of use to a beauty salon at 1041 Blue Hills Ave., GWB Zone.

Commissioner Gabriel seconded the motion, and it unanimously carried.

VII. APPLICATION OF SFP REAL ESTATE, LLC FOR A SUBDIVISION OF 1350 AND 1360 BLUE HILLS AVENUE, I-2 ZONE, INTO TWO LOTS

Richard Sylvester, 4 Quad Hill Rd., Weatogue, explained that this subdivision was approved in 1984, but the final mylar plan was never recorded in the Town Clerk's office. He is here seeking reapproval.

Commissioner Panke moved to approve the application of SFP Real Estate, LLC for a subdivision of 1350 and 1360 Blue Hills Av., I-2 Zone, into two lots. Commissioner Gabriel seconded the motion, and it unanimously carried.

VIII. MILLS POND CONDOMINIUM REQUEST TO REMOVE TENNIS COURTS

Mr. Hooper explained that the Mills Pond Condominium management company is seeking permission to remove existing tennis courts which are under-utilized and in poor condition. He is not sure the town can approve removal without the consent of the condominium owners.

It was agreed that the commission would require an official request for removal of the tennis courts from the condominium association.

IX. 1051 BLUE HILLS AVENUE

Mr. Hooper informed the commission that these property owners are seeking a use variance to allow a drive-up ATM to be installed. This property is located in the Gateway zoning district which does not permit drive-up windows. The consensus of the commission was to send a report to the ZBA recommending denial of the use variance request.

X. ADJOURNMENT

Commissioner Needelman moved to adjourn the meeting at 9:32 P. M. The motion was seconded and approved.

Byron Lester, Secretary